

## MPA Management Capacity Building Training



Module 7:

### **ENFORCEMENT & MPAs**





### Overview of Presentation

## PART 1: PURPOSE AND NEED FOR ENFORCEMENT

• Principles of law enforcement

• Activities that require enforcement



### What are Today's Objectives?

- To understand the role of enforcement as a tool to manage human use activities that impact the marine environment
- To identify a variety of methods for addressing human behavior that is not compatible with resource protection
- To understand the importance of the cultural context to appropriate and effective management



### Purpose of Enforcement

## To compel observance of, or obedience to rules

- •By deterring or discouraging violations
- •By encouraging voluntary compliance



### Principles of Law Enforcement

1. Law is an agreement of minds on a structure or set of rules to create a **social product** that must be deemed desirable and supported by individuals and society as a whole.

2. Legal marketing, or 'selling the law' is necessary to promote compliance.



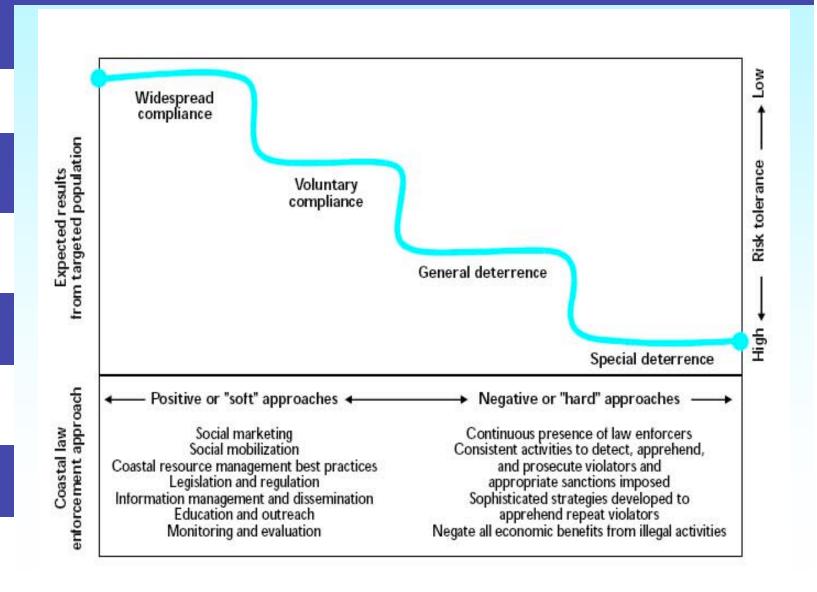
### Principles of Law Enforcement

3. Appropriate punishment must be carried out in order to serve as a deterrent to illegal behavior.

4. Sociocultural sensitivities must be considered in the manner used for implementing the law.



### Enforcement Framework





## Potential Obstacles to Enforcement

- 1. Conflicting policies and laws and implementation programs
- 2. Lack of political will to implement laws and enforcement programs
  - 3. Lack of public awareness of laws and consequences of illegal activities



## Potential Obstacles to Enforcement

- 4. Lack of patrol boats and other basic equipment to conduct monitoring and patrols
- 5. Lack of trained coastal law enforcement units
- 6. Lack of clear 'lead' agency in coastal law enforcement



## Potential Obstacles to Enforcement

- 7. Incentive system that promotes illegal activities
- 8. Slow justice system with judiciary and prosecutors unfamiliar with fisheries and other laws
- 9. Slow economic development in coastal areas and lack of livelihood alternatives for those dependent on coastal resources



## Coastal/ Marine Activities Requiring Enforcement

Industrial facilities, shoreline development activities operating without or in noncompliance with terms of an Environmental Clearance Certificate (ECC)

Intrusion of licensed and unlicensed commercial fishers in municipal waters

Collection of endangered and protected benthic marine life including Triton shell, corals, and giant clams

Dumping of oily and solid waste at sea

Entry of explosives and illegal substances

Solid waste dumped into river system

Illegal storage and distribution of cyanide, blasting caps, and dynamite

Discharge of industrial wastewater exceeding standards

Selling or exporting endangered/protected species

> Construction of seawalls. ietties, reclamation areas, housing, ports, harbors, or any other structures in foreshore areas without an ECC

Fish market selling illegally caught fish

Illegal conversion of

mangroves to fishponds

and reclamation areas

for any purpose

Fish kills from polluted waters

Discharge of oily

and solid waste in harbors or at sea

Mining

marine sand

Restricting access of the general public to the use and enjoyment of foreshore areas, such as beaches and

Cutting of mangroves bathing areas, which are in the public domain

Use of active gear in municipal waters by municipal fishers

with boats less than 3 GT

Use of dynamite, cyanide, fine-mesh nets, and other forms of destructive fishing

> Capture of endangered and protected marine species including sea turtles, dugong, whale sharks, manta rays, dolphins, and whales



## Common Categories of Violations

#### Fisheries-related

- Protected aquatic species-related
- Coastal habitat-related
- Foreshore and shoreline development-related
- Coastal and marine pollution-related
- Zonal and navigation-related
- Other violations/ crimes



### Overview of Presentation

## PART 2: INTERPRETIVE ENFORCEMENT

- What is interpretive enforcement?
- What are some strategies for interpretive enforcement?
- Why are cultural values important to consider?



### Interpretive Enforcement

#### **Definition**

- Refers to approaches geared towards encouraging widespread voluntary compliance with laws, rules and regulations
- Sometimes is called "soft" enforcement



# Interpretive Enforcement: Basic Broad Strategies

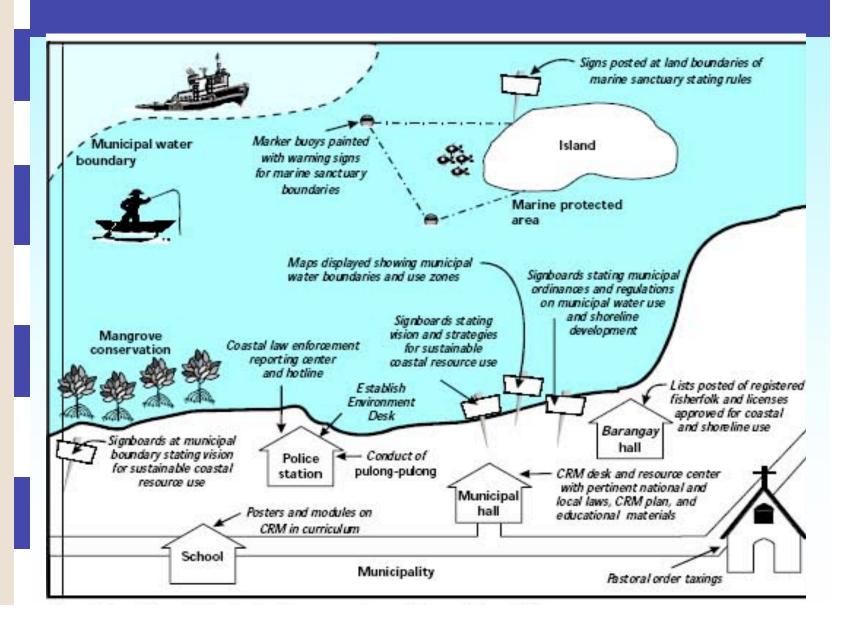
### Two main strategies

- Education and Outreach
- Networking and alliance-building





### Social Marketing of Enforcement





# Interpretive Enforcement – Examples

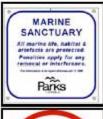
- Signage
- Posters















• This module of the workshop!



### Considering Cultural Values

### **Cultural Values System**

- set of norms or conduct, traditional knowledge, and beliefs that prevail in communities
- natural mechanism by which order is maintained in communities because it has its own set of informal rewards and punishments



### Considering Cultural Values

### **Indigenous Learning Systems**

 traditional and often longstanding ways in which a local community gathers and relays information



## Indigenous Systems and Cultural Values



Related examples:

Old: Customary marine tenure – traditional management of resources in a marine area



#### **New:** Locally Managed Marine Area (LMMA)

 area of nearshore waters actively managed by local communities



### Overview of Presentation

#### PART 3:

#### TRADITIONAL LAW ENFORCEMENT

• What is it?

• Use of Force Continuum Model

Operational Tactics



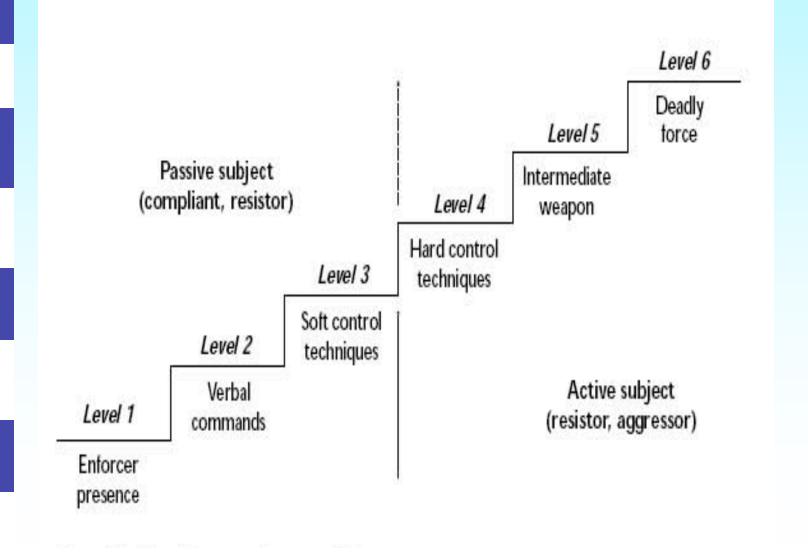
### Law Enforcement

#### What is it?

- Needed to deter violation of coastal laws by the portion of the population that does not or will not respond to interpretive enforcement
- Uniformed officers, surveillance, patrols, apprehension



## Use of Force Continuum Model





## Law Enforcement Operational Tactics

- Land-based activities
  - Preventative
  - Less costly

#### **AND**

- Seaborne patrols
  - Preventative and corrective
  - Can be expensive and risky



## Law Enforcement Operational Tactics

A few examples...

- Patrols
  - Visible
  - Covert
  - Multi-unit
  - Single-unit
  - Foot patrol
  - Harbor patrol
- Blockades

- Directed raids
- Market denial





## Law Enforcement Operational Tactics

- Technology helpful
  - Fast boats
  - Radios
  - Cell phones
  - GPS





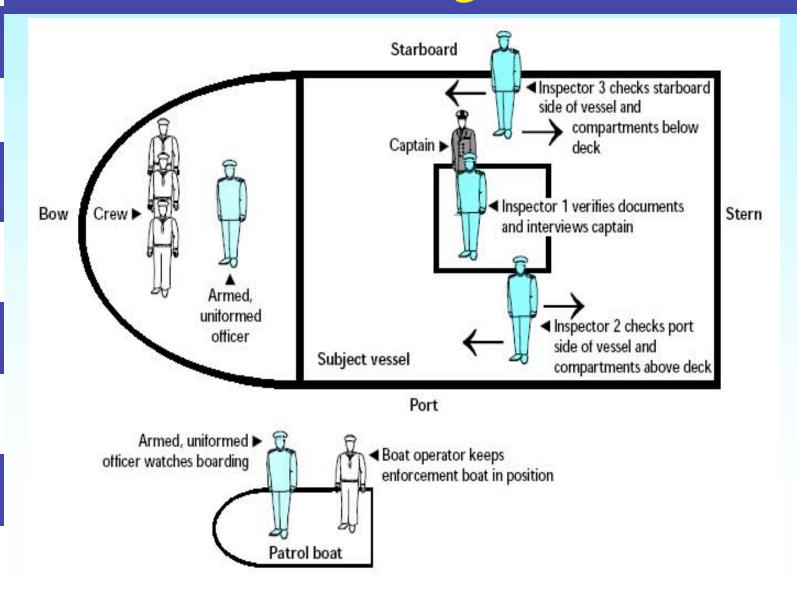


- Satellites
- UAV





# Law Enforcement Boarding





# Law Enforcement Quiz Time!

#### In small groups, list:



- 1. three different examples of potential law violations in MPAs
- 2. an example of interpretive enforcement for MPAs
- 3. elements of a signboard for your MPA
- 4. an example of a cultural value that would be important when designing an enforcement program for the MPA
- 5. five pieces of mandatory equipment when boarding a vessel

Compare your answers with other groups and discuss.